

JOSIAH WESTLAKE.

[To accompany bill H. R. No. 536.]

JULY 21, 1842.

Mr. I. D. JONES, from the Committee on Invalid Pensions, made the following

REPORT:

The Committee on Invalid Pensions, to which was referred the petition of Josiah Westlake, report:

That they find the case has been several times reported upon favorably, and, on examination of the documents and proofs, they concur in the following report, heretofore made to Congress by a former committee, and report the accompanying bill:

FEBRUARY 12, 1841.

The Committee on Invalid Pensions, to which were referred the petition and papers of Josiah Westlake, report:

That they have examined the petition and accompanying documents, and find that favorable reports were made in 1834, 1836, 1837, and 1839. They now refer to and adopt the report of February 25, 1834, and again report a bill. The report to which the committee refer, is as follows:

FEBRUARY 25, 1834.

The Committee on Invalid Pensions, to which was referred the petition of Josiah Westlake, report:

That, from the facts in this case, it appears that Westlake was placed on the pension-roll on the 6th day of May, 1817, at the rate of four dollars per month; and that, on the 30th of January, 1818, his pension was increased to eight dollars per month, to commence on the 4th day of September, 1817. That, for the purpose of obtaining the increase of pension before stated, he produced, to the Secretary of War, certificates from two surgeons, viz: T. Watkins, United States army, and Henry Hewitt, late hospital surgeon United States army, by which certificates it appears that he was totally disabled, and that the disability was permanent and incurable. Watkins's certificate is as follows:

"Fourth Military Department, Division of the North, Baltimore, 4th October, 1817.—I certify that I have minutely and carefully examined

Josiah Westlake, late a private in the United States corps of artillery, and find that he has three ulcers seated on the sternum, with deep sinuses, extending, in one case, five inches along the bone, which are continually discharging a purulent matter, and of which every appearance indicates an incurable disease of the bone, by which the lungs, if not already affected, must ultimately become diseased. By documents presented to me, it appears that these ulcers are the effects of disease contracted while the said Westlake was in the service of the United States, and that he has heretofore been placed on the pension list at the rate of half pay. From the examination which I have made of his disease, I am decidedly of opinion that it is not only incurable, but that he is wholly unable to obtain his subsistence by manual labor in consequence thereof, and that he is therefore entitled to full pension."

The petitioner continued to receive full pension, at the rate of eight dollars per month, until the 4th of March, 1821; after which, and prior to his next annual pension becoming payable, he was reduced to four dollars per month. This reduction was founded on the following certificate, duly sworn before William Amberson:

"We, the subscribers, practising physicians of the borough of Mercer, of the State of Pennsylvania, do hereby certify, that upon a careful examination in the case of Josiah Westlake, who is now on the pension roll of the State of Maryland, we are of opinion that his disability does in part continue. His complaint was, as we believe, a scrofula, situated in the breast, which affected the pectoral muscles and sternum. And further, that in our opinion, the degree of disability under which he labors at present is one-half.

"EPAPHRODITUS COSSITT.
"CHRISTOPHER HEYDRICK.

"Sworn and subscribed before me this 12th December, 1821.

"WM. AMBERSON.

"I certify that the above deponents are credible men.

"WM. AMBERSON."

The petitioner, after the reduction as last mentioned, received four dollars per month until the 15th of September, 1831, when he was again raised to full pension, (eight dollars per month,) and now remains on the roll at that rate.

The petitioner also produces the certificate of Ezra W. Gleason and James Magoffin, physicians, in which they certify that, after a careful examination of the petitioner, they are of opinion that his disability still continued, being consequent to a permanent deformity of the bones of the thorax, which rendered him incapable of earning a livelihood by labor, and that he was totally disabled. This certificate was sworn to before A. Brown, a judge of the court of common pleas, and who also states that the said physicians were credible, and respectable in their practice.

In another certificate, given and attested to by the same physicians, on the 11th February, 1832, they further state that, from the appearance of the petitioner's breast, in their opinion, he could not have been any better for a number of years past, or since the time his disability was at the worst.

The petitioner also produces a certificate, as follows: "We, the undersigned, living in the same neighborhood, and having been personally acquainted with Josiah Westlake (an invalid pensioner of the United States) for at least twelve years past, (viz: before and after his pension was reduced from eight dollars to four dollars per month, which we understand was about 1823,) are of opinion that he was no better at the time, and after he was reduced, up to 1829, than he was before, for two or three years. February 11, 1832." This certificate is subscribed by sixteen persons; and the Hon. John Banks, a member of this House, has addressed a note to the committee, stating that he is acquainted with all of them, except one, and that they are of good character.

The petitioner alleges that he ought not to have been reduced from a full to a half pension, and asks that he be paid at the rate of four dollars per month from the 4th day of March, 1824, to the 4th of September, 1831, at which time he was again raised to full pension. The committee, on a full examination of the facts in this case, are of opinion that his request is reasonable, and therefore report a bill.

